

DA Johnson files this supplement to her Motion to Intervene, Motion for Stay, and Motion for Protective Order to apprise the Court that a Dallas County Grand Jury issued an indictment on July 17, 2017, charging Defendant Roy Oliver with murder for the shooting death of Jordan Edwards. (Supp. App. 1). DA Johnson requests that this Court take judicial notice of the issuance of the indictment, as a fact that is not subject to reasonable dispute because it can be accurately and readily determined from publically available judicial records whose accuracy cannot reasonably be questioned. FED. R. EVID. 201(b)(2).

DA Johnson re-urges her arguments made in her motions previously filed with the Court (ECF No. 24). The issuance of an indictment, formally initiating criminal prosecution against Defendant Roy Oliver for the death of Jordan Edwards, underscores the importance of granting DA Johnson's motion to intervene as well as the stay of all civil discovery in the civil case. Not only does DA Johnson have an interest relating to the events underlying the civil suit, but allowing civil discovery to proceed also would, as a practical matter, impair and impede the subsequent prosecution of Defendant Oliver. TEX. R. FED. P. 24(a).

It is for these same reasons that DA Johnson seeks a stay of all discovery until the prosecution of Defendant Oliver is complete. Allowing Defendant Oliver to conduct depositions of state witnesses in the instant action or to subpoena the production of documents, to which he is not entitled in the criminal action, accrues an unfair advantage to Defendant Oliver and would substantially and irreparably prejudice the District Attorney's Office and the public interest in law enforcement. Additionally, allowing civil

discovery to proceed could compromise the testimony of the witnesses to be called in the criminal prosecution.

Finally, DA Johnson respectfully re-urges this Court to enter an order limiting the parties' use of any evidence to this civil action and prohibiting dissemination of all discovery or evidence obtained in this case to any other parties, including Defendant Oliver's criminal counsel.

PRAYER

WHEREFORE, Dallas County District Attorney Faith Johnson respectfully requests that this court grant her motion to intervene and stay all discovery in the instant suit until after the criminal prosecution in *The State of Texas v. Edward Oliver*, Cause No. F17-18595 is complete. DA Johnson also requests that this Court enter an order of protection: (1) limiting the parties' use of evidence to this civil action and (2) prohibiting the dissemination of any information or evidence to persons other than the parties in this case, including Defendant Oliver's criminal defense attorney, except as necessary to complete the criminal prosecution and until further order of this Court.

Respectfully submitted,

FAITH JOHNSON
District Attorney
Dallas County, Texas

/s/ Tammy J. Ardolf
TAMMY J. ARDOLF
ASSISTANT DISTRICT ATTORNEY
TEXAS BAR NO. 90001536
Tammy.Ardolf@dallascounty.org

FRANK WAITE
ASSISTANT DISTRICT ATTORNEY
TEXAS BAR NO. 20667300
Frank.Waite@dallascounty.org

ANDREW M. CHATHAM
ASSISTANT DISTRICT ATTORNEY
TEXAS BAR NO. 00798102
Andrew.Chatham@dallascounty.org

CIVIL DIVISION
411 ELM STREET, FIFTH FLOOR
DALLAS, TEXAS 75202
PHONE: (214) 653-7358
FAX: (214) 653-6134

ATTORNEYS FOR INTERVENOR
DALLAS COUNTY DISTRICT ATTORNEY
FAITH JOHNSON

CERTIFICATE OF CONFERENCE

I certify the following:

First Assistant District Attorney Michael Snipes conferred with Joe Tooley, attorney for the Defendant City of Balch Springs, on June 7, 2017, and Defendant City of Balch Springs is not opposed to the relief requested. Counsel confirmed on July 18, 2017, via email with Tammy Ardolf, that there has been no change to the City's position.

Assistant District Attorney Andrew Chatham conferred with William Krueger, counsel for Defendant Edward Oliver, on June 8, 2017 and Defendant Edward Oliver is opposed to the relief requested. Counsel confirmed on July 18, 2017, via email with Tammy Ardolf, that there has been no change to the Defendant Oliver's position.

First Assistant District Attorney Michael Snipes conferred with Daryl Washington, counsel for Plaintiff Odell Edwards, on June 8, 2017 and Plaintiff Odell Edwards is opposed to the relief requested.

Assistant District Attorney Andrew Chatham conferred with Reginald McKamie, counsel for Intervenor Shaunkeyia Keyon Stephens, on June 8, 2017 and Intervenor Shaunkeyia Keyon Stephens is opposed to the relief requested.

Undersigned counsel sent an email to all parties on July 18, 2017, conferring with the parties regarding the filing of this document. No parties other than counsel for Defendant City of Balch Springs and Defendant Edward Oliver responded. It is, therefore, assumed for purposes of this certificate of conference that all parties who intervened after the filing of DA Johnson's Motion to Intervene, Motion for Stay and Motion for Protective Order are opposed to the relief requested.

/s/ Tammy J. Ardolf
TAMMY J. ARDOLF

CERTIFICATE OF SERVICE

In accordance with the Rule 5(b)(2)(e) of the Federal Rules of Civil Procedure and Local Rule 5.1(d), I hereby certify that a true and correct copy of the foregoing instrument has been electronically served upon all parties.

Dated: July 19, 2017

/s/ Tammy J. Ardolf
TAMMY J. ARDOLF